

(D/F)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHIQUITA FRESH NORTH AMERICA, LLC,
DOLE FRESH FRUIT COMPANY,
S. KATZMAN PRODUCE INC., and
KATZMAN BERRY CORP.,

Plaintiffs,

- against -

LONG ISLAND BANANA CORP., SUFFOLK
BANANA CO., INC., and THOMAS J. HOEY,

Defendants.
-----X

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT
Case No.
★ FEB 14 2014 ★

ORDER TO SHOW CAUSE
WHY A PRELIMINARY
INJUNCTION SHOULD NOT
BE ISSUED UNDER
FED. R. CIV. P. 65(b)

CV 14 0982

SPATT, J.
TOMLINSON, M.

Upon reading and filing the annexed declaration of Megan K. Locke, the
of plaintiff Chiquita Fresh North America, LLC executed on January 31, 2014, and the exhibits
annexed thereto, the certification of counsel why notice should not be required pursuant to Fed.
R. Civ. P. 65(b), the memorandum of law in support, and upon all other papers and proceedings
heretofore had herein, it is

ORDERED, that the above-named Defendants show cause before this Court at Room

ADS
WSPY { 1020, United States District Court for the Eastern District of New York, Central Islip Division,
100 Federal Plaza, Central Islip, New York 11722 on February 28, 2014 at 3:30 o'clock
P.m., or as soon thereafter as counsel may be heard, why an order should not be issued pursuant
to Rule 65 of the Federal Rules of Civil Procedure enjoining the Defendants, their customers,
agents, employees, officers, directors, subsidiaries, related entities, assigns, and banking
institutions, during the pendency of this action, from alienating, dissipating, paying over or
assigning any assets of Long Island Banana Corp. and Suffolk Banana Co., Inc. or their
subsidiaries or related companies, except for payment to Plaintiffs, until further order of this
Court or until Defendants pay Plaintiffs the aggregate amount of \$719,515.85 by bank check or

wire transfer, at which time this Order is dissolved; and it is further

ORDERED, that, sufficient reason having been shown therefore, pending the hearing of Plaintiffs' application for a preliminary injunction, pursuant to Fed. R. Civ. P. 65, Defendants, their customers, agents, employees, officers, directors, subsidiaries, related entities, assigns, and banking institutions are temporarily restrained and enjoined from alienating, dissipating, paying over or assigning any assets of Long Island Banana Corp. and Suffolk Banana Co., Inc., or their subsidiaries or related companies, except for payment to Plaintiffs, until further order of this Court or until Defendants pay Plaintiffs the aggregate amount of \$719,515.85 by bank check or wire transfer, at which time this Order is dissolved; and it is further

ORDERED that in the event Defendants fail to pay Plaintiffs the aggregate amount of \$719,515.85 by bank check or wire transfer within ^{six (6)} ~~two (2)~~ business days of service of this Order, then Defendants shall file with this Court, with a copy to Plaintiffs' counsel, an accounting which identifies the assets and liabilities and accounts receivable reports of Long Island Banana Corp. and Suffolk Banana Co., Inc. signed under penalty of perjury; and that Defendants shall also supply to Plaintiffs' attorney, within five (5) days of the date of the ^{service of the} ~~Order~~, any and all documents in their possession, custody or control related to the assets and liabilities of Long Island Banana Corp. and Suffolk Banana Co., Inc. and their related and subsidiary companies, including, but not limited to, the most recent balance sheets, profit/loss statements, accounts receivable reports, accounts payable reports, accounts paid records and income tax returns and bank statements with cancelled checks for the last 90 days; and it is further

^{in the amount of \$25,000, shall be detained by the Ref within ten days.}
ORDERED that bond shall be waived in view of Defendants now holding \$719,515.85 worth of Plaintiffs' assets; and it is further

ORDERED that service of a copy of this order and the papers upon which it is based,

ADS
USAG } together with the summons and complaint, by ~~Federal Express~~ ^{*Plisance*} or other nationally recognized
~~overnight delivery~~ service upon the Defendants on or before February 21, 2014, shall be
deemed good and sufficient service thereof; and it is further

ADS
USAG } **ORDERED** that answering papers, if any shall be served by Defendants so as to be
received by counsel for Plaintiffs at least ^{*24*}~~48~~ hours prior to the return date set forth herein.

ISSUED: *Friday, Feb 14, 2014*
at 11:00 AM

s/ Arthur D. Spatt

United States District Judge